



"The City With a Heart"

Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember

MINUTES

CITY COUNCIL MEETING

June 23, 2009
7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met in regular session on June 23, 2009 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for the beautiful floral arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Franzella, Vice Mayor Ruane and Councilmembers O'Connell, Ibarra and Medina in attendance. Recording by Clerk Bonner. **Councilmember Medina** led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

Mayor Franzella announced the San Bruno Redevelopment Agency would meet following this evening's meeting.

4. PRESENTATIONS: None.

5. REVIEW OF AGENDA: No Changes.

6. APPROVAL OF MINUTES: Special Study Session of June 8, 2009 and Regular Council Meeting of June 9, 2009, and Special Study Session of June 16, 2009, approved as submitted.

7. CONSENT CALENDAR:

a. **Approve:** Payroll of June 7, 2009.

b. **Approve:** Accounts Payable of June 1, 8 and 15, 2009.

c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated May 31, 2009, as submitted by City Treasurer, John Marty.

d. **Waive:** Second Reading and Adopt an Ordinance Amending Chapter 12.220 (Wireless Telecommunications Facilities) to Title 12 (Land Use) of the San Bruno Municipal Code.

M/S Medina/Ibarra to approve the Consent Calendar and approved with all ayes.

8. PUBLIC HEARINGS:

a. Hold Public Hearing and Adopt Resolution Approving the City Manager's Recommended 2009-10 General Fund, Special Revenue Funds, Enterprise Funds, and Capital Improvement Program Budget.

City Manager Jackson asked for approval of the budget and walked through the overriding theme in a power point presentation and asked for questions.

Mayor Franzella opened the Public Hearing.

Dan O'Kane, Cypress Ave. spoke of the increases in services. **Mayor Franzella** said this budget is actually a 3 million dollar decrease not increase.

M/S Ruane/Medina to close the Public Hearing and passed with all ayes.

Councilmember O'Connell thanked everyone on staff involved in the budget.

Councilmembers O’Connell and Ibarra asked for clarification on the first item: Amend City Council budget 001-1110-6401-6409 Special Projects Event. **City Manager Jackson** said this was based on an \$8,000 budget. **Councilmember Medina** said when all other services are being reduced; it is a time to do without a recognition dinner for the Boards and Commissions.

M/ O’Connell asked if it could be reduced by \$3000 and \$1000 kept for the Boards and Commissions and not have an extravagant dinner? The motion failed for lack of votes.

Councilmembers discussed the need to reduce the budget during these difficult times.

M/S Ruane/Medina to reduce an additional \$4000 affecting appreciation events, with a yes vote from **Mayor Franzella**. **Councilmembers O’Connell and Ibarra** voted no.

Mayor Franzella said the next item, Amend City Council budget 001-1110-6502 Community Promotion to consider elimination by \$5,000 affecting financial support for community based organization activities.

M/S Ibarra/O’Connell to not eliminate \$5000 with a yes vote from **Mayor Franzella** and **Vice Mayor Ruane**. **Councilmember Medina** voted no.

Councilmember O’Connell introduced the next item, Amend Capital Improvement program Budget and include New Public Library as unfunded future project.

M/S O’Connell/Ibarra moved this item be returned to the CIP list and passed with all ayes.

Mayor Franzella introduced the next item, Amend Capital Improvement Program Budget and delete the Community Facilities Master Plan project.

M/S Ibarra/O’Connell to defer funding but keep it listed and passed with all ayes

Mayor Franzella said Amend Police Budget 001-2010-510 Regular Salaries.

Councilmember Medina said he believed freezing one position was important to the citizens and staffing level for the police.

M/S Medina/Ibarra moved to eliminate two positions and freeze one. **Mayor Franzella, Vice Mayor Ruane** and **Councilmember Ruane** voted no. Motion failed for lack of votes.

Mayor Franzella said they have worked hard to reduce the budget and he believed if there were a need to hire, the Council would listen. He said keeping an unfunded position on the books was pretty much the same as having no position. **Vice Mayor Ruane** agreed.

Mayor Franzella continued the review of the budget.

Councilmember Medina said the City needs to be cost conscious in this economy. He said the water quality annual report has not gone out to bid lately and in the future; can it be done for less? He asked the Public Works reorganization be monitored closely. He said in Public Safety he was still concerned about staffing level and he felt the safety of the citizens is a number one concern and asked the Chiefs to come forward if there is a need.

Mayor Franzella said there is a balanced budget before Council predicated on concessions from our labor groups. He asked the City Manager to explain where they are in the bargaining process.

City Manager Jackson said four of the six units have met and have agreed on a contract extension, which includes no increase to compensation and a reduction to current compensation via a furlough. There are two remaining bargaining units and she asked for Council’s consideration to provide an additional month, the end of July, for completion of those conversations regarding compensation and furloughs to be in agreement with the other units.

Mayor Franzella asked what type of time frame will be needed for the two remaining bargaining units for the budget to go into effect? **City Manager Jackson** said not later than the end of July. **Mayor Franzella** said if four units have agreed and two don't agree, the portion that would have been saved and the two that didn't agree would the cost be reduced from those two units. **City Manager Jackson** said that is her recommendation. **Mayor Franzella** said he believed there was an obligation to those employees who stepped forward and agreed to the program that they not be penalized because two other bargaining units don't.

Councilmember Ruane introduced the resolution for adoption with the understanding the potential budget additions/deletions are included as indicated by the City Manager and Mayor and passed with a unanimous vote.

b. Hold a Public Hearing, Waive First Reading, and Introduce by 2/3 Vote of the City Council an Ordinance of the City of San Bruno Amending Section 3.32.010 of the San Bruno Municipal Code to Increase the Transient Occupancy Tax on Rent Charged to Hotel Guests from Ten (10%) to Twelve (12%) Percent.

City Attorney Thompson gave an overview of the Transient Occupancy Tax increase from 10% to 12%. She said other cities in the County are making the same proposal and asked for questions.

Mayor Franzella opened the Public Hearing.

Dan O'Kane, Cypress Ave. said 2% would drive people away from the City. He asked how much this would cost to put on the ballot? **City Attorney Thompson** said it doesn't make a real increase in the ballot because there already is an election to be held.

M/S Ibarra/Medina to close the public hearing and passed with all ayes.

Councilmember Ibarra asked do those cities that are not increasing their transient occupancy tax have to go through the same process of voting? **City Attorney Thompson** concurred. She also said if all the other cities do the same increase, it is unlikely business will be driven away.

Councilmember Medina said South San Francisco has a transient occupancy tax as well as a couple of other taxes which makes it larger than 12%.

M/S Ibarra/Medina to waive the first reading and passed with all ayes.

Councilmember Ibarra introduced the ordinance for adoption and passed with a unanimous vote.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: None.

10. CONDUCT OF BUSINESS:

a. Adopt Resolution Approving the City's Appropriations Limit of \$29,448,000 for 2009-10 (Gann Initiative).

Administrative Services Director O'Leary gave an overview of the staff report and asked for questions.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote.

b. Adopt Resolution Approving Master Water Sales Agreement and Water Supply Assurance Between the City of San Bruno and the San Francisco PUC; Adopting Findings for Purposes of the California Environmental Quality Act; and Delegating Authority for City Manager to Sign Agreement for Individual Sales with SFPUC.

Mayor Franzella said the first action the Council must take is to adopt the findings and then approve the Master Water Sales Agreement.

Public Services Director Fabry gave an overview and introduced **Art Jensen of the San Francisco PUC** who gave a power point presentation on the background of the Master Water Sales Agreement.

Councilmember Ibarra said because of the drought there have been some articles around the State about how water rates have skyrocketed and how private enterprise have purchased water rights. Does BAWSCA eliminate the purchase of water? **Jensen** said this agreement has nothing to do with that and as long as San Bruno has representation on our Board, they are safe.

Councilmember O'Connell introduced the resolution to adopt the findings and passed with a unanimous vote.

Councilmember O'Connell to adopt the resolution approving water supply agreement and passed with a unanimous vote.

Councilmember O'Connell to adopt the resolution approving individual water sales contract and passed with a unanimous vote.

- c. Adopt Resolution Amending Cable Television Services and Rates Effective August 1, 2009.

Cable Director Gyalsten gave an overview of the staff report and proposed cable increases and asked for questions.

Councilmember Ibarra said even though Comcast owns Comcast Sports Network, their customers are still footing the bill and every other Comcast provider has to pay similar types of rates? **Gyalsten** concurred.

Councilmember Ibarra said it was referenced three channels were being dropped and he asked the cost savings? **Gyalsten** said we don't charge for those channels but the broadcaster is trying to extract a fee for those channels and we have been fighting that. **Councilmember Ibarra** asked how much we are paying for the Comcast channels? **Gyalsten** said more than 10%.

Councilmember Medina said the comparisons were good and need to be continued in the future.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote.

- d. Adopt a Resolution of the City Council of the City of San Bruno:

- Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2009, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities;
- Ordering the Submission to the Voters of a Question Relating to Increasing the City's Transient Occupancy Tax to Hotel Guests to Twelve Percent;
- Providing City Clerk Direction Regarding Election and Measure, Setting Priorities for Filing Written Arguments Regarding a City Measure, and Directing the City Attorney to Prepare an Impartial Analysis;
- Requesting the Board of Supervisors of the County of San Mateo to Render Specified Services to the City Relating to the Conduct of a General Municipal to be Held on Tuesday, November 3, 2009;
- Requesting the Board of Supervisors of the County of San Mateo to Consolidate a General Municipal Election to be Held on November 3, 2009, With Other Elections to be Held on the Same Date Pursuant to § 10403 of the Elections Code;

- Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at an Election to be Held on Tuesday, November 3, 2009; and
- Providing for Giving Notice of Election.

City Attorney Thompson said earlier in the meeting the Transient Occupancy Tax Ordinance was approved and in order to get this to the voters there are a number of procedures, which need to be adopted. She clarified the way the measure would read. She also said the City Council could authorize its membership to write arguments for or against the measure and whether to authorize rebuttal arguments and also to authorize the City Attorney to prepare an impartial analysis.

City Clerk Bonner said there would be a mayoral seat, two councilmembers, one city treasurer and one city clerk. The filing period for these offices will begin on July 13 and close on August 7. Packets will be available on July 13.

Mayor Franzella said it was the Council's pleasure to write arguments for or against the measure, do rebuttal arguments and authorize the City Attorney to prepare an impartial analysis.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote.

e. Adopt Resolution Authorizing the City Manager to Submit an Application to the Federal Department of Energy to Receive \$159,700 from the Energy Efficiency and Conservation Block Grant Program, Funded by the Federal American Recovery and Reinvestment Act of 2009.

Management Analyst Shannon reviewed the Block Grant Program in a powerpoint presentation and how the funds would be disbursed and asked for comments.

Councilmember O'Connell introduced the resolution for adoption and passed with a unanimous vote.

f. Adopt Resolution Authorizing the City Manager to Execute Consultant Services Agreement with DKS Associates for Traffic Engineering and Design Services in an Amount not to Exceed \$75,000.

Public Services Director Fabry gave an overview through a powerpoint presentation and asked for questions.

Councilmember Medina asked about the ongoing Desoto/Santa Lucia site, which was approved at a previous Council meeting? **Public Services Director Fabry** said the department already has this site 100% designed and it is their intention to take the design to the subcommittee. **Councilmember Medina** asked if it would be coming back to Council? **Fabry** said it would be going to the subcommittee. **Mayor Franzella** asked it come back to Council.

Councilmember Medina asked if the residents have been updated regarding the projects, which have not come to conclusion? **Fabry** said if this contract were approved tonight, they would be notified. **City Manager Jackson** said we could let people know the status of the projects.

Councilmember Ibarra asked if the five projects were the priority to be placed before the consultant? **Fabry** concurred. **Councilmember Ibarra** said City staff would handle the ongoing traffic safety issues? **Fabry** concurred.

Councilmember Medina introduced the resolution for adoption and passed with a unanimous vote.

g. Adopt Resolution Approving New Red Curb No-Parking Zones to Accommodate the Turning Movements of Emergency Fire Vehicles at the Intersections of Huntington Avenue East with Scott

Street and with South Bayshore Circle and at the Intersections of North Bayshore Circle with Atlantic Avenue and at the Intersection of Huntington Avenue East with Pacific Avenue.

Engineer Davis gave an overview of the staff report and asked for questions.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote.

h. Adopt Resolution Authorizing the City Manager to Execute a Construction Contract with Rockaway Construction, Inc. for the Fire Station 51 Accessibility and Privacy Upgrades Project in the Amount of \$153,690 and Approving a Construction Budget in the Amount of \$176,743.

Management Analyst Shannon gave an overview of the staff report and presented a power point presentation on the existing conditions of Station 51. He said the largest portion of the expense of this remodel was the plumbing.

Mayor Franzella asked how many showers? **Shannon** said they are going from two to four. **Mayor Franzella** asked how many toilets? **Shannon** said two each. **Mayor Franzella** asked if unisex space had been looked at, for example only doing three showers? **Shannon** said that option was looked at and there was no significant cost savings.

Councilmember Medina asked if the same noise insulation format used at Station 51 would be used at 52? **Shannon** said similar. **Councilmember Medina** said at 51, the noise control was good but the ventilation was a little much. He asked once the work starts, how will it be coordinated with the fire fighters? **Shannon** said they would be using showers at other locations, City Hall, the gym and Station 51. **Councilmember Medina** said it had been long overdue.

Councilmember Medina introduced the resolution for adoption and passed with a unanimous vote.

i. Consider Cancellation of the Regular City Council Meeting on August 11, 2009.

M/S O'Connell/Medina to cancel the August 11, 2009 meeting and passed with all ayes.

j. Adopt Resolution Authorizing the City Attorney to Cooperate with the League of California Cities, Other Cities and Counties in Litigation Challenging the Constitutionality of Any Seizure by State Government of the City's Street Maintenance Funds.

City Manager Jackson said the League of California Cities has continued to advocate heavily on our behalf and gave an overview of the staff report.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: None.

12. COMMENTS FROM COUNCIL MEMBERS: None.

Mayor Franzella recessed the City Council Meeting to the Redevelopment Agency Meeting at 9:10 p.m.

Mayor Franzella resumed the City Council Meeting at 9:15 p.m.

13. CLOSED SESSION:

Mayor Franzella said they would be going into Closed Session with Legal Counsel to Provide Direction Regarding Whether to Initiate Litigation Govt Code 54956.9 (c)(1) with no reportable action.

14. ADJOURNMENT:

Mayor Franzella closed the meeting at 9:16 p.m. The next regular City Council Meeting will be held on July 14, 2009 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
At the regular City Council Meeting of
July 14, 2009

Carol Bonner, City Clerk

Larry Franzella, Mayor